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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 07-00598- JF
12)
Plaintiff,)
13 v.) **STIPULATION TO CONTINUE**
) **STATUS HEARING; [PROPOSED]**
14 EVERARDO VALENZUELA-RUIZ,) **ORDER**
)
15 Defendant.)
16 _____)

17 **STIPULATION**

18 Defendant and the government, through their respective counsel, hereby stipulate that,
19 subject to the court's approval, the status hearing in the above-captioned matter, presently
20 scheduled for February 27, 2008 at 9:00 a.m., may be continued to March 26, 2008 at 9:00 a.m.
21 Mr. Valenzuela-Ruiz believes that he has cancer of the esophagus. He has previously obtained
22 medical evaluation at the Los Angeles County-USC medical center and more recently undergone
23 a number of follow-up tests at the Santa Clara Main Jail. To date, the defense has secured
24 medical records from the Santa Clara Main Jail which include in-patient records for Santa Clara
25 Valley Medical Center. However, those records do not contain the reports which note the results
26 of the additional testing. Also, noted within those records which defense counsel has secured is a

1 reference to records at Los Angeles County-USC Medical Center – records which the Santa Clara
2 Valley Medical Center notes it needs to obtain . Defendant’s counsel has received information
3 from the family of Mr. Valenzuela-Ruiz regarding the medical record number and name for his
4 records at the Los Angeles County-USC Medical Center. The defense has requested these
5 records and anticipates a response within the next two weeks. Once the defense has obtained the
6 medical records, the documents will be provided to the government attorney for his
7 consideration. The government will need time to review the records and decide whether to enter
8 into additional negotiations with the defendant’s counsel regarding disposition of this case.
9 Therefore, an additional thirty days is requested.

10 The parties further agree and stipulate that time should be excluded from and including
11 February 27, 2008 through and including March 26, 2008, to provide counsel reasonable time to
12 prepare, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv). Accordingly, the
13 United States and the defendant agree that granting the requested exclusion of time will serve the
14 interest of justice and outweigh the interest of the public and defendant in a speedy trial.

15
16 Dated: February 25, 2008

17 _____/S/_____
Manuel U. Araujo
Assistant Federal Public Defender

18
19 Dated: February 25, 2008

20 _____/S/_____
Benjamin T. Kennedy,
Assistant United States Attorney

ORDER

Good cause appearing and by stipulation of the parties, it is hereby ordered that the status conference hearing in the above-captioned matter shall be continued from February 27, 2008, to March 26, 2008 at 9:00 a.m. as well as the period of delay from February 27, 2008, to and including March 26, 2008, is excluded for purposes of Speedy Trial Act computations pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

Dated: February 27, 2008


JEREMY FOGEL,
United States District Judge